

Notice of Allowability

Application No.

10/650,935

Examiner

John Kim

Applicant(s)

BRUGGER ET AL.

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1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/15/06 and 10/10/06.
2. ☒ The allowed claim(s) is/are 30-39, 44-48 renumbered 1-10, 11-15 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/10/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Catan on 6/15/06.

The application has been amended as follows:

-Paragraph [0011] of the specification: On line 7, "pending application" has been changed to --U.S. Patent Application No. 10/393,209--.

-Paragraph [0064] of the specification: On line 4, after "09/513,773",
-- filed 2/25/00, now U.S. Patent No. 6,579,253, -- has been added.

-Claim 30, line 6: "recirculation" has been changed to --recirculating--.

-Claim 38, line 2: "recirculation" has been changed to --recirculating--.

-Claim 44, line 2: "with" has been changed to --connected to--.

line 2: "in fluid communication therewith" has been changed to
--by a replacement fluid circuit--.

line 13: Between "said" and "container", -- sterile -- has been inserted.

-Claim 45, line 2: "with" has been changed to --connected to--.

line 2: "in fluid communication therewith" has been changed to
--by a replacement fluid circuit--.

line 14: Between "said" and "container", -- sterile -- has been inserted.

line 18: "releasable connectors" has been changed to --at least one connector--.

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line 21: "releasable connectors" has been changed to --at least one connector--.

line 22: "releasable connectors" has been changed to --at least one connector--.

-Claim 46, line 4: "dializer" has been changed to --dialyzer--.

line 6: After "circuit", -- by a replacement fluid circuit-- has been added.

line 7: Between "port" and "connected", -- of the blood circuit -- has been inserted.

line 8: "recirculation" has been changed to --recirculating--.

line 11: "filter or" has been deleted.

line 12: "dialyste" has been changed to --dialysate--.

line 12: Between "container" and "dialyzer", -- only through said -- has been inserted.

line 14: "where" has been changed to --wherein--.

-Claim 47, line 1: Between "A" and "circuit", -- fluid -- has been inserted.

-Claim 48, line 1: Between "A" and "circuit", -- fluid -- has been inserted.

8. The following is an examiner's statement of reasons for allowance: None of the prior art of record teaches or suggests the fluid circuit of claim 30 comprising blood filter or dialyzer with a blood circuit-and a replacement fluid connected to the container with a replacement fluid circuit connected to the blood circuit for diluting blood, the blood circuit communicating with a blood side of said blood filter or dialyzer having at least one patient access port connected to the replacement fluid container to define a recirculation path, a port on a non-blood side of the filter or dialyzer connectable to a source of replacement fluid, the recirculating path being entirely hermetically isolated from an outside of the fluid circuit except by a flow path through a

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membrane of the filter or dialyzer from the non-blood side to the blood side such that replacement fluid may be added to the replacement fluid container through the filter or dialyzer membrane and stored therein and a flow through the recirculating path may be established without making any connections or disconnections breaking the hermetic seal and the fluid circuit of claim 44 comprising the blood circuit connected to a sterile container by a replacement fluid circuit and the blood circuit including venous and arterial lines, each connected to the sterile container by releasable connectors configured for connection to a patient access device, the blood circuit, the non-blood circuit, the non-blood side of the blood filter or dialyzer and the container being entirely hermetically isolated from an outside of the fluid circuit except by a flow path through a membrane of the filter or dialyzer, permanently connected, and free of releasable connectors such that the fluid may be added to an interior of the sterile container only through the membrane, through the venous and arterial lines only after a seal of the releasable connectors is broken and the fluid circuit of claim 45 comprising the blood circuit connected to a sterile container by a replacement fluid circuit and the blood circuit including venous and arterial lines being releasably connected to the sterile container by at least one connector that is configured for connection to a patient access device, the blood circuit, the non-blood circuit, the non-blood side of the blood filter or dialyzer and the sterile container being entirely hermetically isolated from an outside of the fluid circuit except by a flow path through a membrane of the filter or dialyzer, permanently connected, and free of releasable connectors such that the fluid may be added to an interior of the sterile container only through the membrane, through the venous and arterial lines only after a seal of the at least one connector is broken and the fluid circuit of claim 46 comprising a sterile container being connected to the blood circuit by a

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replacement fluid circuit, at least one patient access port of the blood circuit connected to the sterile container to define a recirculation path, a port on a non-blood side of the dialyzer connectable to a source of dialysate, said recirculating path being entirely hermetically isolated from an outside of the fluid circuit except by a flow path through a membrane of the dialyzer from the non-blood side to the blood side such that dialysate fluid may be added to the sterile container only through the dialyzer membrane and stored therein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is 571-272-1142. The examiner can normally be reached on Monday-Friday 7 a.m. - 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Kim
Primary Examiner
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JK

November 20, 2006